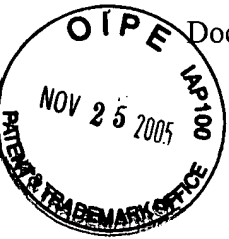


DFW



Docket No.: 1085-028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATION

In re Application of:

Harold Ristau

Serial No.: 10/665,397

Filed: September 19, 2003

For: **BAG FOR SHOPPING CART**

)
)
) Group Art Unit: 3727
)
) Examiner: Justin Matthew Larson
)
)

New York, NY 10036
November 23, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBSTANTIVE MEMO SUMMARIZING TELEPHONE CONVERSATIONS

Dear Sir:

Applicant herein summarizes telephone interviews held between employees of the United States Patent and Trademark Office and Matthew J. Solow, Registration No. 56,878, in reference to the above-identified application.

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail
in an envelope addressed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
On: **November 23, 2005**

Matthew J. Solow, Reg. No. 56,878

On Tuesday, November 15, 2005, I spoke with Richard Fernandez of the USPTO Electronic Business Center, explaining that application Serial No. 10/665,397, published as US 2005/0205632 on September 22, 2005, was published with incorrect drawings. Attached hereto as Exhibit A is the email Mr. Fernandez sent to me as confirmation of this conversation. Mr. Fernandez advised me that the correction would take several days.

The drawings were not corrected by Friday, November 18, 2005. Therefore, I called Art Unit 3727 Supervisor Nathan Newhouse at 571-272-4544, and left a voice mail, as Mr. Newhouse was out of the Office until Monday, November 21, 2005. In the voice mail, I explained the publication problem and asked Mr. Newhouse to return my call.

On Tuesday, November 22, 2005, Mr. Newhouse telephoned me and explained that he was now aware of the problem and would look into fixing the publication errors.

On Wednesday, November 23, 2005, Mr. Newhouse telephoned me with what he termed "good news and bad news". Mr. Newhouse directed me to 37 C.F.R. §1.221 which details how to make "a request for a corrected or revised patent application publication ...when the [United States Patent and Trademark] Office makes a material mistake which is apparent from Office records."

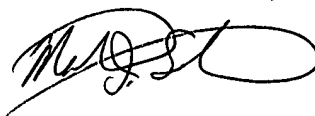
Mr. Newhouse stated that the error in publishing the incorrect drawings was the fault of the PTO. The correct drawings were, in fact, part of the application, however different drawings were erroneously published. Mr. Newhouse notified me that the time to correct this type of error was two months from the date of publication. The date of publication was September 22, 2005 and the date of this conversation was November 23, 2005, thus exceeding the deadline by 1 day. Mr. Newhouse suggested calling either the Pre-Grant Publication Customer Service hotline at 703-605-4283 in order to determine whether a delay caused by Mr. Newhouse would serve to extend the two month deadline, or the Office of Patent Legal Administration at 571-272-7700.

On Wednesday, November 23, 2005, I was informed by the Pre-Grant Publication Customer Service representative that I would need to speak to Mark Palutta in the legal

department at 571-272-7701. On calling Mr. Palutta, I was informed that Mr. Palutta would be out of the office until Monday, November 28, 2005.

Respectfully submitted,

HEDMAN & COSTIGAN, P.C.

A handwritten signature in black ink, appearing to read 'M. J. Solow', enclosed within a large, loopy oval shape.

Matthew J. Solow
Reg. No. 56,878

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
212-302-8989

Matthew Solow

From: "Fernandez, Richard (Trawick)" <Richard.Fernandez@USPTO.GOV>
To: <MSLOW@HGCPATENT.COM>
Sent: Tuesday, November 15, 2005 9:35 AM
Subject: FW: EAMS# 1012333

> Customer called in to report that both documents dated 8/17/04 do not belong to the application, 10/665397. Please replace documents w/ the proper ones. Thank you

>

> Customer:

>

> Matt Solow

> MSLOW@HGCPATENT.COM

> 212-302-8989

>

> Rich Fernandez

>

> USPTO Electronic Business Center

> 866-217-9197

> richard.fernandez@uspto.gov

>